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December 11, 2007

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS: LOS ANGELES COUNTY
WATERWORKS DISTRICTS
ADDITION OF PART 6 (WATER RECYCLING) TO THE
LOS ANGELES COUNTY WATERWORKS DISTRICTS RULES AND REGULATIONS
(SUPERVISORIAL DISTRICTS 3, 4, AND 5)
(3 VOTES)**

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING
BODY OF THE LOS ANGELES COUNTY WATERWORKS DISTRICTS:**

1. Find that the proposed action is exempt from provisions of the California Environmental Quality Act.
2. Adopt the proposed resolution adding Part 6 to the Rules and Regulations of the Los Angeles County Waterworks Districts establishing that recycled water shall be used for nonpotable uses within the Districts wherever its use is financially and technically feasible and consistent with legal requirements.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to add Part 6 to the Rules and Regulations of the Los Angeles County Waterworks Districts (Districts) that defines the rules for the use of recycled water within the Districts' service areas and the procedures to establish new recycled water services or convert existing potable water services to recycled water services.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs that we provide Service Excellence (Goal 1). Allowing the use of recycled water in the Districts' service areas enhances Service Excellence by improving the reliability of the water supply to the customers of the Districts.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund. All projects to construct recycled water infrastructure required by Part 6 of the Districts' Rules and Regulations will be funded by the Districts or the end users of recycled water.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On May 23, 2006, your Board instructed the Department of Public Works to convene a task force to assess the complex nature and issues surrounding the development and use of recycled water and make recommendations for a broad County-wide policy that would further expand the use of recycled water for nonpotable purposes. One of the recommendations identified by the task force in its January 30, 2007 report to your Board was to propose for adoption by your Board the Rules and Regulations requiring the Districts' customers to use recycled water for nonpotable purposes where available and feasible.

Adoption of this resolution will authorize the Director of Public Works or his designee to revise the Districts' Rules and Regulations in accordance with Division 16 of California Water Code. The California Water Code Section 55335 also allows the District to acquire, purify, treat, and reclaim sewage and store, distribute, and sell water and the by-products resulting from such purification, treatment and reclamation.

The resolution has been approved as to form by County Counsel.

ENVIRONMENTAL DOCUMENTATION

The proposed action is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Sections 15307 and 15308 of the CEQA guidelines. The proposed action is consistent with the California Water Code, Section 55335, and assures the enhancement of a natural resource and the environment.

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IMPACT ON CURRENT SERVICES (OR PROJECTS)

By adopting the proposed resolution and establishing the recommended Rules and Regulations for using recycled water in the Districts' service areas, the Districts will be able to provide an additional service to customers that, in turn, may require additional staff time to review plans, inspect facilities, and maintain the recycled water distribution system.

CONCLUSION

Please return one adopted copy of this letter and a signed resolution to the Department of Public Works, Waterworks Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'WTF', followed by a stylized flourish.

WILLIAM T FUJIOKA
Chief Executive Officer

WTF:DLW
AA:cr

Attachment

c: County Counsel

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES, CALIFORNIA, APPROVING THE
ADDITION OF RULE 6 TO THE LOS ANGELES COUNTY
WATERWORKS DISTRICTS' RULES AND REGULATIONS**

WHEREAS, the County of Los Angeles Board of Supervisors (hereinafter referred to as BOARD) is the governing body of the Los Angeles County Waterworks Districts (hereinafter referred to as DISTRICTS); and

WHEREAS, Section 55333 of the California Water Code states that the DISTRICTS may adopt and enforce all rules, regulations, and ordinances, which may be necessary and proper for the administration and government of the DISTRICTS; and

WHEREAS, the BOARD has adopted Rules and Regulations for DISTRICTS (hereinafter referred to as RULES AND REGULATIONS); and

WHEREAS, Section 55335 of the California Water Code states that recycled water is one of the integrated water resource components that the DISTRICTS may acquire, purify, treat, reclaim, store, distribute, and sell; and

WHEREAS, due to uncertainty of reliable water supplies, recycled water must be developed as a local resource to meet projected water demands; and


WHEREAS, the DISTRICTS propose to establish a recycled water program that will increase the reliability and sufficiency of the DISTRICTS' water supply.

NOW, THEREFORE, BE IT RESOLVED, that the Director of Public Works or his designee is hereby authorized to amend the RULES AND REGULATIONS to include Rule 6 (Attachment A to the accompanying Board letter) that defines the rules for the use of recycled water within the DISTRICTS' service areas and the procedures to establish new recycled water services or convert existing potable water services to recycled water services.

The foregoing Resolution was adopted on the 11 day of ^{December} ^, 2007, by the Board of Supervisors of the County of Los Angeles acting as the governing body of the Los Angeles County Waterworks Districts.



SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By 
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By 
Deputy Michael Moore

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PART 6 - WATER RECYCLING

SECTION A – STATEMENT OF POLICY AND DECLARATION OF PURPOSE

RULE

6-A-1 **STATEMENT OF POLICY:** It is the policy of the Districts that recycled water determined to be available pursuant to Section 13550 of the California Water Code shall be used for nonpotable uses within the Districts wherever its use is financially and technically feasible and consistent with legal requirements.

6-A-2 **DECLARATION OF PURPOSE:** The purpose of this chapter is to define the rules for the use of recycled water within the Districts' service areas and the procedure to establish new recycled water services or convert existing potable water services to recycled water services.

SECTION B- DEFINITIONS

6-B-1 **DEFINITIONS:** The following terms are defined for purposes this chapter:

6-B-2 "Agricultural purposes" includes the growing of field and nursery crops, row crops, trees, and vines, and the feeding of fowl and livestock.

6-B-3 "Artificial lake" means a human-made lake, pond, lagoon, or other body of water that is used wholly or partly for landscape, scenic, or noncontact recreational purposes.

6-B-4 "Commercial office building" means any building for office or commercial uses with water requirements, which include, but are not limited to, landscape irrigation, toilets, urinals and decorative fountains.

6-B-5 "Districts" means the Los Angeles County Waterworks District No. 21, Kagel Canyon; Los Angeles County Waterworks District No. 29, Malibu; Los Angeles County Waterworks District No. 36, Val Verde; Los Angeles County Waterworks District No. 37, Acton; and Los Angeles County Waterworks District No. 40, Antelope Valley.

6-B-6 "Greenbelt areas" means an expanse of landscape, including, but not limited to buffer zones, greenbelts, parks, golf courses, cemeteries, road medians, and road shoulders.

6-B-7 "Industrial process water" means water used by any industrial facility with process water requirements that include, but are not limited to, rinsing, washing, cooling, and circulation, or construction, including any facility regulated by the industrial waste discharge ordinance of the city.

6-B-8 "Off-site facilities" means water facilities from the source of supply to the point of connection with the on-site facilities, including the water meter.

6-B-9 "On-site facilities" means water facilities under the control of the owner, downstream from the water meter.

6-B-10 "Potable water" means water that conforms to the federal, state and local standards for human consumption. (See California Code of Regulations, Section 64400.)

6-B-11 "Recycled water" means water that, as a result of tertiary treatment of wastewater, is suitable for a direct beneficial use or controlled use that would not otherwise occur. (See Water Code Section 13050(n).)

6-B-12 "Recycled water distribution system" means a piping system intended for the delivery of recycled water only and which is separate from any potable water distribution system.

Recycled water systems are identified by the use of purple piping and signage as required by California Code of Regulations, Section 60310.

SECTION C – USE OF RECYCLED WATER

- 6-C-1 **FEASIBLE AND AUTHORIZED USES** -In accordance with the provisions of Section A, the uses of recycled water may include, but not be limited to, landscape irrigation, agricultural irrigation, natural treatment system irrigation, construction water, industrial process water, cooling tower water, water for flushing toilets and urinals, trap primers in dual-plumbed buildings, and public and private recreational impoundment. Each such use must be considered for approval by the Districts on a case-by-case basis, and the Districts may determine whether it is feasible to furnish recycled water for the specific use involved. Prior to approving such uses, the Districts may set forth specific requirements as conditions to providing such services and/or require specific prior approval from the appropriate regulatory agencies. The Districts' determination of feasibility will be based on the following factors:
- 6-C-1a Whether recycled water is available, or may be made available in a reasonable time period, for the intended use;
- 6-C-1b Whether recycled water use is in accordance with the standards of treatment and water quality requirements set forth in Title 22, Division 4, of the California Code of Regulations and all other applicable federal, state and local laws and regulations;
- 6-C-1c Whether the use of recycled water can be done in a manner not detrimental to public health;
- 6-C-1d Whether the cost of on-site facilities of a recycled water distribution system is reasonable under the circumstances;
- 6-C-1e Whether the cost of the recycled water is reasonable. Recycled water charges equal to or less than 100% of potable water charges are prima facie evidence of reasonableness.
- 6-C-2 **REQUIREMENT TO USE RECYCLED WATER**
- 6-C-2a For all new construction that leads to an application for new potable water service hook-up, the applicant is required to seek a determination of recycled water feasibility by the Districts' Area Engineer in sufficient time to incorporate on-site facilities of a recycled water distribution system into the project construction. If use of recycled water is determined by the Districts to be feasible, on-site facilities of a recycled water distribution system shall be required as a condition of issuance of a will-serve letter or water service application.
- 6-C-2b The Districts' Area Engineers will also review applications for new potable water service to existing service connections to determine the feasibility of providing recycled water service to these applicants. If recycled water service is determined by the Districts' Area Engineer to be feasible, applicants for new water service shall be required to install onsite facilities to accommodate both potable water and recycled water service in accordance with these Rules and Regulations.
- 6-C-2c The Districts will identify existing customers capable of receiving service from the Districts' recycled water systems and will determine the feasibility of providing recycled water service to these customers. The Districts may also require existing customers to retrofit existing onsite water service facilities to accommodate recycled water service.

- 6-C-2d If the Districts do not require the use of recycled water service, a customer may still obtain recycled water service if the Districts determine that recycled water service to the customer is for an authorized use and it is feasible for the Districts to provide recycled water to the requesting customer.

SECTION D - PROCEDURES

6-D-1 REGULATIONS APPLIED TO APPLICANTS FOR NEW WATER SERVICE

- 6-D-1a Conditions: Upon application by a developer, owner or water service customer (herein referred to as “applicant”) for a new industrial, commercial, or residential subdivision(s) located within a District for which a tentative map or parcel map is required pursuant to California Code of Regulations Section 66426, the Districts’ Area Engineer shall review the application and make a preliminary determination whether the current or proposed use of the subject property could be served with recycled water or include facilities designed to accommodate the use of recycled water in the future. Based upon such determination, use of recycled water and provision of recycled water distribution systems or other facilities for the use of recycled water, and application for a permit for such use may be required as a condition of approval of any such application or will-serve letter, in addition to any other conditions of approval.

- 6-D-1b Alterations and Remodeling: Upon application for a permit for the alteration or remodeling of multi-family, commercial or industrial structures (including, for example, commercial office buildings), the Districts’ Area Engineer shall review on a case-by case basis the application and make a preliminary determination whether the subject property shall be required to be served with recycled water or to include facilities designed to accommodate the use of recycled water in the future. Based upon such determination, use of recycled water and provision of recycled water distribution systems or other facilities for the use of recycled water, and application for a permit for such use, may be required as a condition of approval of the application.

- 6-D-1c Notice of Determination - A notice of the basis for the preliminary determination, proposed conditions of approval and schedule for compliance shall be provided to the applicant prior to approval of the development application.

- 6-D-1d Costs - Applicants for new or expanded water service, shall be responsible for the full capital cost of onsite recycled water facilities and applicant-furnished offsite distribution facilities required as a condition of service.

6-D-2 REGULATIONS APPLIED TO NEW CUSTOMERS AT EXISTING POTABLE WATER SERVICES

- 6-D-2a Conditions: Upon application by a new water service customer for an existing potable water service connection located within a District, the Districts’ Area Engineer shall review the application and make a preliminary determination whether the current or proposed use of the subject property could be served with recycled water or include facilities designed to accommodate the use of recycled water in the future. Based upon such determination, use of recycled water and provision of recycled water distribution systems or other facilities for the use of recycled water, and application for a permit for such use may be required as a condition of approval of any such application, in addition to any other conditions of approval.

- 6-D-2b Notice of Determination - A notice of the basis for the preliminary determination, proposed conditions of approval and schedule for compliance shall be provided to the applicant prior to approval of the water service application or will-serve letter.

6-D-2c Costs – New customers for existing or expanded potable water service will pay the reasonable capital costs of retrofitting the onsite water service facilities and the Districts will provide the offsite facilities necessary to deliver recycled water to the meter.

6-D-3 **REGULATIONS FOR EXISTING POTABLE WATER SERVICE CUSTOMERS**

6-D-3a Preliminary Determination: During the design of new recycled water facilities, the Districts shall make preliminary determinations as to which existing potable water services shall be converted to use recycled water. Each customer for these potable water services shall be notified of the basis for a determination that conversion to recycled water service will be required, as well as the proposed conditions and schedule for conversion.

6-D-3b Notice: The notice of the preliminary determination, including the proposed conditions and time schedule for compliance, and a recycled water permit application shall be provided to the water service customer.

6-D-3c Costs: Except as otherwise provided herein, when an existing potable water service customer is required by the Districts to convert to recycled water service, the customer will pay the reasonable capital costs of retrofitting the onsite water service facilities and the Districts will provide the offsite facilities necessary to deliver recycled water to the meter.

6-D-3ce Applicability of Outside of District Rates: If an existing customer is required by the Districts to convert all or a portion of their potable water service to recycled water service and refuses, the District will assess the applicable Outside of District Rate Schedules and Water Service Charges (see Part 2, Section 2-A-25a) for the customer's potable water service.

6-D-4 REQUESTED SERVICE - On a case by case basis, upon application for a permit to use recycled water on a property not covered by subsections 6-D-1, 6-D-2, and 6-D-3 above, the Districts shall review the application and make a determination whether the subject property shall be served with recycled water. Based upon such determination, the application for the permit shall be accepted and processed subject to Section E below.

6-D-5 OBJECTIONS AND APPEALS: A water service customer or applicant for water service may file a notice of objection within (30) days after any notice of determination to comply is delivered or mailed to the customer, and may request reconsideration of the determination or modification of the proposed conditions or schedule for conversion. The objection must be in writing and specify the reasons for the objection. The preliminary determination shall be final if a customer does not file a timely objection. The District Engineer shall review the objection and shall confirm, modify or abandon the preliminary determination.

SECTION E - RECYCLED WATER PERMIT FROM THE DISTRICTS

6-E-1 PROCESS - Upon a final determination by the Districts that a property shall be served with recycled water, or adoption of a condition of development approval requiring use or accommodation of the use of recycled water, the water service customer, owner or applicant shall obtain a recycled water permit.

6-E-2 CONDITIONS - The permit shall specify the design and operational requirements for the applicant's water distribution facilities and schedule for compliance, and shall require compliance with both the California Department of Public Health Wastewater Recycling Criteria (see California Code of Regulations, Title 22), and requirements of the applicable regional water quality control board.

- 6-E-3 PLAN APPROVAL - Plans for the recycled and non recycled water distribution systems for the parcel shall be reviewed by the Districts, and a field inspection shall be conducted before the permit is granted.
- 6-E-4 PERMIT ISSUANCE - Upon approval of plans, the permit shall be issued. Recycled water shall not be supplied to a property until an inspection by the Districts determines that the applicant is in compliance with the permit conditions. Recycled water service shall not commence within any area of the Districts except in accordance with the written agreement between the recycled water producer and the Districts.
- 6-E-5 TEMPORARY USE OF POTABLE WATER - At the discretion of the Districts, potable water may be made available on a temporary basis, until recycled water is available. Before the applicant receives temporary potable water, a water recycling permit, as described in this Section, must be obtained for new on-site distribution facilities. Prior to commencement of recycled water service, an inspection of the on-site facilities will be conducted to verify that the facilities have been maintained and are in compliance with the recycled water permit and current requirements for service. Upon verification of compliance, recycled water shall be served to the parcel for the intended use. If the facilities are not in compliance, the applicant shall be notified of the corrective actions necessary and shall have at least thirty (30) days to take such actions prior to initiation of enforcement proceedings.
- 6-E-6 RECYCLED WATER RATE - The rate charged for recycled water shall be established by resolution of the Districts. Water rates shall be adjusted annually for inflationary factors using the Los Angeles Area Construction Price Index (CPI) as published by the U.S. Department of Labor.

SECTION F - SANCTIONS

- 6-F-1 PUBLIC NUISANCE - Discharge of wastes or the use of recycled water in any manner in violation of this chapter or of any permit issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the Districts. Any person creating such a public nuisance is guilty of a misdemeanor.
- 6-F-2 INJUNCTION - Whenever a discharge of wastes or use of recycled water is in violation of this chapter or otherwise causes or threatens to cause a condition of nuisance, the Districts may seek injunctive relief as may be appropriate to enjoin such discharge or use.
- 6-F-3 PERMIT REVOCATION - In addition to any other statute or rule authorizing termination of water service, the Districts may revoke a permit issued hereunder if a violation of any provision of this chapter is found to exist or if a discharge of wastes or use of recycled water causes or threatens to cause a nuisance.
- 6-F-4 PENALTY - Any owner and/or operator who violates this chapter shall, for each day of violation, or portion thereof, be subject to a fine not exceeding one thousand dollars (\$1,000.00). In addition, water service to the property may be discontinued.

SECTION G - VALIDITY

- 6-G-1 If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance codified in this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.